

REMARKS

After entry of the foregoing amendment, claims 15-23, 25-27, and 29-42 (a total of 26 claims) are pending in the application. Claims 15-19, 21, 23, 25 and 39 are amended, claims 13, 14, 24 and 28 are canceled (claims 1-12 were previously canceled), and claims 40-42 are added.

In the office action dated February 11, 2004, the examiner objects to the specification due to certain informalities; namely for failing to arrange the specification in proper section order in accordance with 37 CFR § 1.77(b). The examiner rejects claim 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner rejects claims 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by Tanaka, et al. (US 5,322,368); and rejects claim 39 under 35 U.S.C. § 102(b) as being anticipated by Oches (US 1,700,510). Further, claims 23, 26, 27, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka, et al. (US 5,322,368) in view of Hayashi, et al. (US 5,158,782). The examiner allows claims 29-38, and objects to claims 15-22, 24 and 25 as being dependent upon a rejected base claim, but would allow these claims if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Specification

In office action paragraphs 2-5, the examiner objects to the specification due to certain informalities; namely for failing to arrange the specification in proper section order in accordance with 37 CFR § 1.77(b).

Applicant has revised the specification to comply with the arrangement of specification requirements provided in 37 CFR § 1.77(b). Applicant attaches a substitute specification under Tab A that includes arrangement of the specification in accordance with 37 CFR § 1.77(b), and attends to minor typographical and clarification amendments. Applicant attaches under Tab B a marked-up version of the specification of record showing the proposed revisions incorporated into the substitute specification included under Tab A. No new matter has been added to the substitute specification. In accordance with the above, the originally filed specification (pages 1 to 10, and 15) is replaced in its entirety.

Claim Rejections – 35 USC § 112, 2nd Paragraph

In office action paragraphs 5 and 6, the examiner rejects claim 28 under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention due to lacking antecedent basis.

For reasons unrelated to the rejection, applicant has canceled claim 28.

Claim Rejections – 35 USC § 102(b)

In office action paragraphs 5 and 6, the examiner rejects claims 13 and 14 under 35 U.S.C. § 102(b) as being anticipated by Tanaka, et al. (US 5,322,368); and rejects claim 39 under 35 U.S.C. § 102(b) as being anticipated by Oches (US 1,700,510).

Applicant respectfully traverses the examiner's rejection of claims 13, 14, and 39 under 35 U.S.C. § 102(b). A claim is anticipated under 35 USC § 102(b) only if each and every element set forth in the claim is disclosed (i.e., identically described) in a single prior art reference. Applicant does not agree that the respective art cited by the examiner discloses each and every element of claims 13, 14, and 39. However, in an effort solely to advance prosecution, applicant has canceled claims 13 and 14, and amended claim 39.

Regarding claim 39, Oches does not disclose, among other things, a means for homogenizing and aerating the flour-like or dust-like ingredients by rotating a kneading element at a relatively high speed; a means for introducing liquid ingredients to the flour-like or dust-like ingredients; a means for preparing a dough mixture by rotating the kneading element at a lower speed to form and roll together dough clumps; a means for preparing the dough by rotating the kneading element at an even lower speed to roll out and roll thin the dough; or a means for forming a single, compact, balled together dough mass by rotating the kneading element at a lowest speed.

Accordingly, applicant respectfully requests that the examiner withdraw the rejection of claim 39 under 35 U.S.C. § 102(b).

Claim Rejections – 35 USC § 103

In office action paragraphs 10-12, the examiner rejects claims 23, 26, 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Tanaka, et al. (US 5,322,368) in view of Hayashi, et al. (US 5,158,782). The examiner believes that it would be obvious to combine the references of Tanaka and Hayashi for the purpose of feeding the mixer with the required quantity of materials and to decrease the variation of feed quantity due to differences between types of materials being fed because Tanaka suggests that dough materials is fed by some means into the material feeding inlet thereof.

Applicant respectfully traverses the examiners rejection of claims 23, 26, 27 and 28 under 35 U.S.C. § 103(a), as applicant denies that a *prima facie* case of obviousness has been established. Applicant contends that the examiner's statement is conclusory without justification existing in Tanaka and Hayashi to substantiate a §103 rejection.

Although applicant does not agree with the examiner's basis for rejection, applicant has amended claim 23 solely to advance prosecution of the application. Claim 23 has been amended to include recitations of claim 24 characterized as allowable by the examiner in office action paragraph 14. Accordingly, applicant submits that claims 23, 26 and 27 are now allowable, and respectfully requests that the examiner withdraw the 35 USC § 103 rejection. Claims 24 and 28 have been canceled.

Allowable Subject Matter

In office action paragraphs 13 and 14, the examiner allows claims 29-38, and objects to claims 15-22, 24 and 25 as being dependent upon a rejected base claim, but would allow these claims if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 15-19, 21 and 25, rewriting claims 15-19 and 21 in independent form to include all of the limitations of the base claim and any intervening claims. Claims 20 and 22 are now dependent upon allowable independent claims. Claim 24 has been canceled; the allowable subject matter included therein has been being added to independent claim 23.

Claims Added by this Response and Amendment

Claims 40-42 are added by this response and amendment to more completely cover certain aspects of applicant's invention.

Claims 40 and 41 recite features patentable over the prior art, such as, but not limited to: 1) a kneading element including at least one fixed pin extending from an arm communicating with a drive shaft of the kneading element and having a longitudinal axis parallel to a rotational axis of the drive shaft, and a sleeve rotatably attached to each pin, the

sleeve capable of free spin about a longitudinal axis of the fixed pin; and, 2) a dough mixer having a plurality of pins and sleeves, where the sleeves have varying outside diameters, cross-sections, and shapes depending on a consistency of the dough being prepared, properties of ingredients being mixed, or a percentage of liquid ingredients employed. The recitation of claims 40 and 41 find support in portions of the specification including, but not limited to, page 3, lines 17 through 23; and page 3, line 31 through page 4, line 2 (the references herein refer to the specification of record prior to entry of the substitute specification included herein).

Claim 42 also recites features patentable over the prior art, such as, but not limited to: a housing having two circular, juxtaposed, and separated surfaces connected by two curved and separated casing surface sections defined by a common radius about a rotational axis of the housing; and two flat surface sections between and connecting the two curved casing surface sections, wherein the flat surface sections are located within the common radius about the rotational axis of the housing. The recitation of claim 42 finds support in portions of the specification including, but not limited to, page 6, lines 15 through 25 and Figure 2 (the references herein refer to the specification of record prior to entry of the substitute specification included herein).

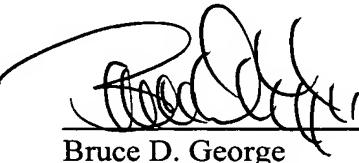
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PATENT

CONCLUSION

In light of the above remarks, applicant submits that pending claims 15-23, 25-27, and 29-42 (a total of 26 claims) are allowable and requests that examiner issue an early notice of allowance. The examiner is invited to call the undersigned attorney in the event that a telephone interview will advance prosecution of this application.

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